

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

JOHN DOE,

Plaintiff,

v.

SAINT FRANCIS HOSPITAL, INC.,

Defendant.

Case No. 23-CV-00351-SEH-MTS

ORDER

Defendant removed this case from state court on the basis of the federal officer provision in 28 U.S.C. § 1442(a)(1). The Court remanded the case to state court. [ECF No. 31]. Defendant has now filed a Rule 62(a) Emergency Motion for Temporary Stay of Remand Order. [ECF No. 33]. Defendant asks the Court to stay the Court’s remand order for 30 days. [*Id.* at 3]. Defendant further asks the Court to notify the District Court of Tulsa County, State of Oklahoma, if the temporary stay is granted. [*Id.*]. Plaintiff has responded in opposition to Defendant’s motion. [ECF No. 34].

Orders remanding a case to state court are not ordinarily appealable, but cases removed under § 1442 are “reviewable by appeal or otherwise.” 28 U.S.C. § 1447(d). Because remand orders in cases removed under § 1442 are appealable, they should be “treated like any other final judgment.”

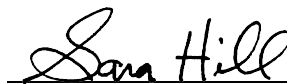
Plaquemines Parish v. Chevron USA, Incorporated, 84 F.4th 362, 372 (5th

Cir. 2023). As a result, the Court's remand order is a final judgment subject to Fed. R. Civ. P. 62's 30-day stay of proceedings (unless otherwise ordered by the Court).

With all of this in mind, Defendant's Rule 62(a) Emergency Motion for Temporary Stay of Remand Order [ECF No. 33] is GRANTED. The Court's remand order [ECF No. 31] is VACATED IN PART and AMENDED as follows: the transfer of the case to state court is STAYED for a period of 30 days from the date of the remand order. The remand order [ECF No. 31] is confirmed in all other respects.

The Clerk of this Court is directed to advise the District Court of Tulsa County, State of Oklahoma, of this stay by forwarding a copy of this order to that court.

DATED this 21st day of October, 2024.



Sara E. Hill
UNITED STATES DISTRICT JUDGE